



New Jersey Department of Children and Families Policy Manual

| | | | |
|-------------|------|--|-----------------|
| Manual: | CP&P | Child Protection and Permanency | Effective Date: |
| Volume: | IV | Out of Home Placement | |
| Chapter: | C | Adoption | 4-1-2013 |
| Subchapter: | 8 | Adoption Subsidy | |
| Issuance: | 600 | Death or Change in Adoptive Caregiver | |

Purpose

5-10-2010

This section discusses Division policy when an adoptive parent receiving an adoption subsidy for a child dies and a new caregiver is named, or when the adoptive child chooses to reside with someone other than the adoptive parent.

Authority

5-10-2010

- N.J.A.C. 10:121-1.4(c)
- SEC.470. [42 U.S.C.670], Social Security Act, Part E
- P.L. 96-272, Adoption Assistance and Child Welfare Act of 1980
- P. L. 110-351, Fostering Connections to Success and Increasing Adoptions Act (FCSIAA) of 2008

Death of an Adoptive Parent

4-1-2013

Pursuant to N.J.A.C. 10:121-1.4(c), when an adoptive parent(s) dies, subsidy payments shall be transferred to a new caregiver, if the new caregiver demonstrates that he or she has legal responsibility for the child by:

- Being named guardian in the adoptive parent's will, or
- Having obtained custody of the child through a court order.

When notified that the primary-payee/adoptive parent has died, staff from the CP&P Adoption Subsidy Unit in the Office of Adoption Operations takes the following action:

- A. If two parents have adopted the child, change the payment support service to the surviving parent's name, or
- B. If the sole adoptive parent dies, and the child is being cared for by a relative or friend, make a child welfare service referral to SCR to generate an assignment to

the Local Office to assess the safety and welfare of the adopted child. The SCR Screener conducts an NJS inquiry, including a CARL check, and a CHRI check (PROMIS/GAVEL) on all members of the proposed household, age 14 and older.

If the checks reveal a history of Substantiated or Established child abuse/neglect or a criminal conviction, particularly of an ASFA crime or a crime against a child (see discussion of criminal convictions in policy, [CP&P-IV-B-2-300](#)), SCR generates a child protective services (CPS) report, and assigns it to the Local Office for an investigation. Assign the CPS report an Immediate Response.

Upon assignment of a CWS, the Local Office proceeds as follows:

- Assess the child's safety. Complete a safety assessment, in home, CP&P Form [22-22](#). See [CP&P-III-B-6-600](#), Child Safety Assessment (In-Home); [CP&P-III-B-6-600](#), When to Complete.
- If the adopted child is Title IV-E eligible, notify the Office of Revenue Development that Federal adoption assistance can no longer be claimed for the child.
- Request that staff from the Local Office, in whose catchment the child is currently residing, visit the caregiver's home to verify the child's residence, assess the home environment, and report if it is adequate.
- If the home is found to be adequate, send a letter to the caregiver stating that the subsidy is granted for up to six months pending the outcome of the custody issue. If legal custody is not granted by the end of six months, terminate the subsidy. At this point, CP&P has no further legal role in the placement.
- If the new caregiver lives out of state, request that staff from the DCF Office of Interstate Services arrange for the completion of a home assessment by a child welfare agency in that state. If an assessment cannot be obtained from the other state, grant the subsidy for six months pending receipt of documentation that the caregiver has been named the child's legal guardian or custodian. If legal custody is not granted by the end of the six months, terminate the subsidy.

If, upon conducting the assessment, the Worker learns that the birth parent has direct contact or resides with the child, and the parent has Substantiated or Established child abuse/neglect or a criminal conviction, particularly of an ASFA crime or a crime against a child, the Worker:

- Consults his or her Supervisor; and

- Contacts SCR, to have a CPS report documented and assigned (i.e., the SCR Screener upgrades the CWS Assessment to a CPS report, and assigns it to a Local Office for response).
- C. If the sole adoptive parent dies, and the child is residing with a birth parent whose parental rights were terminated (TPR) by court order, contact SCR. The SCR Screener conducts an NJS inquiry, including a CARI check, and a CHRI check (PROMIS/GAVEL):
- 1) If the checks reveal a history of Substantiated or Established child abuse/neglect and/or a criminal conviction, particularly of an ASFA crime or a crime against a child, the Screener codes the intake Child Protective Services (CPS) and makes the assignment to the Local Office as an Immediate Response.
- The Local Office may determine, depending on the severity and extent of the history, to remove the child to assure his or her immediate safety (see [CP&P-II-C-2-700](#), Situations When Removal Should Be Considered);
- 2) If there is neither Substantiated nor Established child abuse/neglect and no criminal convictions found upon conducting the NJS inquiry, and CARI and CHRI checks, the Screener codes the intake a Child Welfare Services (CWS) Assessment and makes the assignment to the Local Office as an Immediate Response, to assess the child's safety, living arrangements, and current circumstances.

- The assigned Worker conducts a safety assessment (in-home, use CP&P Form [22-22](#)), to determine whether the adopted child is safe. See [CP&P-III-B-6-600](#), Child Safety Assessment (In-Home); [CP&P-III-B-6-600](#), When to Complete.
- The Worker, assisted by the Supervisor and other support, specialty, and/or managerial staff, as necessary, does a thorough assessment of the child's circumstances, including, but not limited to: 1) a determination of the birth parent's willingness and ability to care for the child now, at present, based on the child's age and stage of development; 2) the parent's receipt of, and response to, treatment and rehabilitation since his or her parental rights were terminated, if appropriate; 3) whether the child is at risk; and 4) the best interests of the child.
- If the child is safe, and the home is found to be adequate to meet the child's immediate needs, proceed as follows:
- Consider the permanency needs of the child. See [CP&P-III-B-2-100](#), Permanency Planning, and [CP&P-III-B-2-200](#), Commitment to

Permanency. For an older child, see [CP&P-VI-B-1-300](#) , Adolescent Services Toward Self-Sufficiency, and [CP&P-III-A-1-500](#), Services to Adolescents Age 18 to 21. If considering Independent Living, see [CP&P-VI-A-2-101](#), Independent Living.

- Consult the Deputy Attorney General regarding the custody of the child.
- Reach out to the child's family, if any relatives are known, a caring adult, if identified (see [CP&P-VI-B-1-300](#) Identifying Lifelong Connections/Caring Adults), and other supports. Consider the merits of holding a Family Team Meeting. See [CP&P-III-B-5-500](#), Family Engagement.
- Refer the birth parent to the County Welfare Agency for financial assistance toward the care of the child, if needed. CP&P does not award subsidy payments to a birth parent.

Adoptive Parent Living but Child with Other Caregiver

9-26-2011

If a child ultimately resides with someone other than the adoptive parent(s), the subsidy may continue, provided that the adoptive parent(s) continues to maintain responsibility for the child's financial support. Support may include, but is not limited to, monies paid to the new caregiver for therapy or medical care.

CP&P cannot issue subsidy payments directly to the new caregiver. Continue payments to the adoptive parent(s).

All arrangements for financial support for the child must be made directly between the adoptive parent(s) and the new caregiver. Upon request, the adoptive parent must provide written proof to CP&P of monies paid toward the support of the child and of the arrangement for the financial support between the adoptive parent and the new caregiver.

Regarding Federal Title IV-E Adoption Assistance payments, if a child was eligible and the adoptive parents died, the child may retain eligibility for adoption assistance payments in a subsequent adoption. CP&P needs to determine that the child is still a child with special needs for the child to continue to be eligible for adoption assistance. See [CP&P-IV-F-1-300](#).

Note: If the child's new circumstances create protective service concerns, raise custody/permanency considerations, etc.